APPEAL NO. 020846
FILED MAY 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 22, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury to her right elbow and right shoulder; that the date of injury "is on or after _____"; and that the claimant timely notified her employer (self-insured) of her injury and, therefore, the self-insured is not relieved of liability pursuant to Section 409.002.

The self-insured appeals basically the date of injury determination, arguing that the date of injury should be _____, or at least earlier than _____, thereby making the claimant's _____, notice of injury untimely and relieving the self-insured of liability. There is no response from the claimant in the appeal file.

DECISION

Affirmed, as reformed.

The claimant was a "risk analyst" for the self-insured handling workers' compensation claims and had, herself, sustained several compensable workers' compensation injuries, including a right carpal tunnel syndrome (CTS) injury in 1991, a left CTS injury in _____, and a low back injury in _____.

Section 408.007 provides that for an occupational disease, which includes a repetitive trauma injury, the date of injury "is the date on which the employee knew or should have known that the disease may be related to the employment."

Although there were some references to right upper extremity complaints in _____, the hearing officer considered the evidence, including the recorded statement on which the self-insured relies, and commented that the claimant "credibly testified that the symptoms appeared in the first part of July, 2001. The date of injury is on or after _____." Insofar as the self-insured appeals the determination of a compensable injury, the hearing officer's determination on that issue is supported by both the treating doctor and the self-insured's required medical examination doctor. We affirm the hearing officer's determination on compensable injury as being supported by the evidence; we reform the hearing officer's determination on the date of injury to be "on _____," omitting the words "or after."

The hearing officer weighed the credibility of the evidence, and we find his determinations on the issues are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed, as reformed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

SA
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Roy L. Warren
Appeals Judge